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ABSTRACT

In 1989, the Iowa Legislature created a new code section that defines and regulates student exercise of free expression in "official school publications." Also, the Iowa State Department of Education was directed to develop a model publication code that includes reasonable provisions for regulating the time, place, and manner of student expression. Although students have the right of free speech, including the right of expression in official school publications, they may not express, publish, or distribute materials that are obscene or libelous or that encourage students to commit unlawful acts, violate lawful school regulations, or cause the material and substantial disruption of the school's orderly operation. The model policy statement appearing in this report delineates school liability and emphasizes students' First Amendment rights, the importance of journalistic skills and robust debate about controversial topics, and the necessity for a workable appeals process. The model student publications code defines terms and outlines the prior restraint rule, the fair comment rule, appeal and complaint procedures, responsibilities of student journalists and faculty advisers, and school liabilities. An advertising/commercial speech model policy statement is included. Appendices detail resources, national journalism codes of ethics, and the American Association of Advertising Agencies Standards of Practice. (MLH)

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Model Policy on Student Publications Code

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Iowa Department of Education

February 1991

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MODEL POLICY ON
STUDENT PUBLICATIONS CODE

IMPORTANT: THIS IS A MODEL ONLY

Do not accept any portion of this model as local policy or rules until after full and sufficient consideration. It is always wise to have proposed local policies and regulations reviewed by legal counsel.

Des Moines, Iowa

February, 1991

It is the policy of the Iowa Department of Education not to discriminate on the basis of race, religion, national origin, sex, age, or disability.

The Department provides civil rights technical assistance to public school districts, nonpublic schools, area education agencies, and area schools to help them eliminate discrimination in their educational programs, activities, or employment. For assistance, contact the assistant chief, Bureau of School Administration and Accreditation, Iowa Department of Education.

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MODEL POLICY

on

STUDENT PUBLICATIONS CODE

INTRODUCTION

In 1989, the Iowa legislature passed Senate File 224 entitled "An Act Relating To Student Exercise of Free Expression In The Public Schools." That law created a new Code section, Iowa Code section 280.22, which defines and regulates student exercise of free expression in "official school publications." The State Department of Education was also directed to develop a model written publication code which includes reasonable provisions for the regulation of the time, place, and manner of student expression.

A committee of faculty advisers, principals, superintendents, attorneys, and Department of Education staff members met several times to formulate a statement of policy and a model student publication code. School districts are advised that they are not required to sponsor "official school publications." However, if schools do sponsor "official school publications," any regulation of the content of those publications by school officials is governed by Iowa Code section 280.22.

Although the term "official school publications" was defined in the legislation as material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body, the model publication code also includes as "official school publications" television, radio, or cable television programs produced in curricular or co-curricular journalism or journalism-related classes or clubs under the sponsorship of the school district.

Iowa Code section 280.22 does provide that each board of directors must adopt rules in the form of a written publications code which includes reasonable provisions for the time, place, and manner of conducting the activities of official school publications. Once adopted, this code is to be made available to students and their parents. The statement of policy and student publication code herein is a model to which schools can refer in drafting their own publication code.

Iowa Code section 280.22 reads as follows:

> 280.22 STUDENT EXERCISE OF FREE EXPRESSION.
> 1. Except as limited by this section, students of the public schools have the right to exercise freedom of speech, including the right of expression in official school publications.
> 2. Students shall not express, publish, or distribute any of the following:
> a. Materials which are obscene.
> b. Materials which are libelous or slanderous under chapter 659.
> c. Materials which encourage students to do any of the following:
> (1) Commit unlawful acts.
> (2) Violate lawful school regulations.
> (3) Cause the material and substantial disruption of the orderly operation of the school.
> 3. There shall be no prior restraint of material prepared for official school publications except when the material violates this section.
> 4. Each board of directors of a public school shall adopt rules in the form of a written publications code, which shall include reasonable provisions for the time, place, and manner of conducting such activities within its jurisdiction. The board shall make the code available to the students and their parents.
> 5. Student editors of official school publications shall assign and edit the news, editorial, and feature content of their publications subject to the limitations of this section. Journalism advisers of students producing official school publications shall supervise the production of the student staff, to maintain professional standards of English and journalism, and to comply with this section.

6. Any expression made by students in the exercise of free speech, including student expression in official school publications, shall not be deemed to be an expression of school policy, and the public school district and school employees or officials shall not be liable in any civil or criminal action for any student expression made or published by students, unless the school employees or officials have interfered with or altered the content of the student speech or expression, and then only to the extent of the interference or alteration of the speech or expression.

7. "Official school publications" means material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.

8. This section does not prohibit a board of directors of a public school from adopting otherwise valid rules relating to oral communications by students upon the premises of each school.

MODEL POLICY STATEMENT

Students of the _____ Community School District are protected in their exercise of freedom of expression by the First Amendment to the Constitution of the United States and the Constitution of the State of Iowa. Understanding the meaning of the First Amendment's protection of free speech is an important part of the learning process, and school is an appropriate place for inquiry and learning through the expression and exchange of ideas. Student expression in official school publications is specifically defined and protected under Iowa law.

It is the policy of the _____ Community School District that all official school publications shall be free from prior restraint by school officials except as provided by law. An editorial board comprising participating students under the supervision of publication advisers shall be responsible for the content of official student publications. The editorial board shall be guided by the Iowa Code and by ethical standards adopted by professional associations or societies of journalism. All publications shall provide students a full opportunity for the exchange of ideas and robust debate about topics of student interest, including those that may be controversial.

Student expression in official school publications is not an expression of school policy. Public school districts and employees or officials are not liable in any civil or criminal action for any student expression made or published by students, unless the school employees or officials have interfered with or altered the content of the student's speech or expression, and then only to the extent of the interference or alteration of that speech or expression.

Schools possess a substantial educational interest in teaching student writers journalistic skills. Journalism advisers shall supervise student writers to maintain professional standards of English and journalism and to comply with Iowa law including the restrictions against unlawful speech in Iowa Code section 280.22.

It is the policy of the _____ Community School District to encourage the resolution of complaints arising from the application of this policy through an appeal process.

Comment: The Model Policy Advisory Committee recommends two avenues of appeal: one for students involved in writing or creating the official school publication and one for persons who feel aggrieved by student expression in an official school publication. With regard to the former appeal situation, the Committee recommends the creation of an appeal panel to include student(s), faculty, and administrator(s). See Section IV of the Model Code. With regard to the latter, the Committee recommends that the complaining person be directed to follow the existing "chain of command" from the student writer to the teacher or adviser, through administrators and ultimately to the board. It is the Committee's belief that a fair appeals process may deter the filing of lawsuits to resolve the perceived problem.

Whether the district uses the appeal process in the following Model Student Publications Code or one of its own, the appeal deadlines should be timely to ensure prompt resolution of issues related to student expressions in publications.

The administration is directed to develop a Code of reasonable rules including time, place, and manner restrictions respecting official student publications in accordance with the Constitution and laws of the United States and the State of Iowa. This policy and its accompanying Code of rules shall be made available to all students.

Comment: The board may wish to direct administration to adopt rules regarding unofficial publications as well. See Section X of the Model Code.

Date of Adoption _____ Legal Reference: Iowa Code §280.22 (1991)

MODEL STUDENT PUBLICATIONS CODE

I. Definitions

The following definitions are provided to assist in the interpretation of this Code.

1. An "official school publication" is any curricular or co-curricular student publication or broadcast, including but not limited to newspapers, yearbooks, literary magazines, television, radio or cable television programs produced in curricular or co-curricular journalism or journalism-related activities under the sponsorship of the school district and distributed or disseminated to the student body either free or for a fee.

2. "Obscene material" means that which the average person, applying community standards, finds as a whole to appeal to a minor's prurient interest in sex, and depicts or describes in an offensive way sexual conduct or sexual acts, and which lacks serious literary, artistic, political or scientific value.

   For purposes of an audience of students, forms of expression that are vulgar, indecent, lewd, or sexually explicit may be considered obscene.

3. "Libelous" statements are false, unprivileged statements the average reader would interpret as statements of fact and which damage the reputation of an individual or business.

4. "Encourage" means to spur on, stimulate, or foster. **NOTE: Mere factual reporting of controversial issues shall not be considered encouragement.**

5. "Material and substantial disruption of the orderly operation of the school" means student actions or behaviors that can reasonably be believed or feared to significantly interrupt school activities or intrude unreasonably in school affairs. The phrase also includes interference with the rights of others. Examples that might reasonably lead to the forecast of material and substantial disruption include, but are not limited to, student violence or rioting; unlawful seizures of property; vandalism to or destruction of property; boycotts, sit-ins, walk-outs or related activities at school.

The undifferentiated fear or apprehension of a potential disturbance is not adequate justification for suppressing student expression; the ability to show substantial facts that reasonably support a forecast of likely disruption is required. Past experience under similar circumstances, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the material in question may be considered.

II. **Rule: Prior Restraint of Material Prepared for an Official School Publication**

No student shall publish in an official school publication material which is obscene, libelous, or encourages students to

commit unlawful acts, violate school rules, cause the material and substantial disruption of the orderly operation of the school, or infringe on the rights of others.

III. **Fair Comment Rule**

Student journalists are entitled to the protection of the "fair comment rule," which provides that all persons are free to express opinions on matters of common interest. Students are free to comment responsibly on school policies or the performance of school administrators, teachers, or employees, so long as the comments or criticisms are statements of opinion and are not libelous. However, student journalists are not entitled to a wholesale defamation exemption under the fair comment rule merely by including the disclaimer "In my opinion" or a similar phrase in conjunction with a false and damaging statement.

Public officials or "public figures" who claim to be libeled must prove the student journalist made false statements with actual malice, i.e., that the journalist knew the statement was false or acted recklessly in failing to verify the statement. School officials are generally deemed public figures in student publications concerning school-related activities. School employees may or may not be public figures; the determination often depends on the involvement of the employee in issues of public importance.

Private persons, those not in the public eye, must show that a statement was made negligently, i.e., that the journalist failed to exercise reasonable care in preparing the article, to prove libel.

IV. **Advice**

If, in the opinion of the student editor, student editorial staff, faculty adviser, or school official, material proposed for publication may fall within the prohibitions of Section II of this Code, the legal opinion of the school's attorney or other practicing attorney should be sought. Permission is granted to contact an attorney only to those persons and under the circumstances described in Board Policy ___.

Comment: This Model Rule assumes that only specified persons in the school or district have the authority to contact a lawyer on behalf of the school district, and it assumes that a Board Policy already exists identifying those persons who can make the call and circumstances when a call could be made.

Appendix A includes resources for advice leading to resolution of a legal question. All listed resources will provide assistance free of charge to schools.

V. **Appeal Procedure**

Students who believe they have been unreasonably restricted in the exercise of their freedom of expression in official student publications have the right to appeal the decision, in writing, as follows:

a. From a decision of a faculty adviser or principal, an appeal may be made to the Student-Faculty Appeal Panel.

b. From a decision of the Student-Faculty Appeal panel, an appeal may be made to the Superintendent of the School District.

c. From the Superintendent's decision an appeal may be made to the Board of Directors. The Board may convene in a special meeting or may schedule the hearing for the next regular board meeting.

d. A student dissatisfied with the decision of the Board of Directors may appeal the Board's decision within 30 days to the State Board of Education or may file suit in district court.

The decision maker shall convene an informal hearing, where the parties may present facts and argument for resolution, within three school days following the submission of a written notice of appeal (or at a time mutually agreeable) except in the case of an appeal to the Board of Directors.

The person, panel, or Board to whom an appeal is made shall make a decision in accordance with the law, school board policy, and these rules. A decision and the reasons for it shall be in writing and issued within three school days following the informal hearing.

At any point during the appeal procedure, the party appealing may discontinue the appeal. Parties may also resolve the dispute by mutual written agreement at any time during the appeal process, and once agreement is reached, the appeal is resolved and no further action is necessary. The appeals process shall be free from intimidation or reprisal.

Comment: The Committee members were at odds internally over the inclusion of the last sentence above. We do not mean to imply that coercion would be used to deter appeals, but we were also reluctant to ignore verified incidents where students were "strongly discouraged" from raising questions or appealing an adviser's or administrator's decision under not-so-veiled threats such as withdrawing letters of recommendation for awards and scholarships. Thus, we decided to include the premise in our Model Code; it should go without saying, but . . . .

VI. **Complaint Procedure**

Any person aggrieved by the content of official student publications is directed to use the complaint procedure of Board Policy No. ___.

VII. **Responsibilities of Student Journalists**

Student journalists who participate in official school publications are responsible for the content of those publications. Student journalists should at all times strive to achieve professional standards of accuracy, fairness, objectivity and thoroughness in each and every aspect of the publication. Student journalists should also strive to achieve professional standards of grammar, usage, punctuation and spelling, which are important to the clarity and accuracy of the publication.

VIII. **Responsibilities of Faculty Advisers**

Schools possess a substantial educational interest in teaching student writers journalistic skills. Journalism advisers shall supervise student writers to maintain professional standards of English and journalism and to comply with Iowa law, including the restrictions against unlawful speech in Iowa Code section 280.22.

IX. **Liability**

Student expression in official school publications shall not be deemed to be an expression of school policy. The public school district and school employees or officials shall not be liable in any civil or criminal action for any student expression made or published by students, unless the school employees or officials have interfered with or altered the content of the student's speech or expression, and then only to the extent of the interference or alteration of the speech or expression. Student journalists must recognize that with editorial control comes responsibility for the content of the publication.

- -

NOTE: The following model rules are not required by Iowa Code section 280.22. They are only offered by the Department of Education for guidance and consideration as related constitutional issues.

X. **Advertising/Commercial Speech in Official Student Publications -- Model Policy Statement**

ADVERTISING/COMMERCIAL SPEECH

Model Policy Statement

The publicly-funded activities of the _____ School District include the publication/broadcasting of student expression.

The _____ School District board of directors believes it has a compelling interest in promoting the ideals of citizenship and personal and civic responsibility. This includes discouragement of illegal activities and the purchase or use of products which are illegal to minors. Therefore, advertisements, whether purely commercial, quasi-commercial, or political in nature, that encourage illegal activity or activity that is in violation of properly adopted school regulations, or encourage or promote the purchase or use of products or services that are illegal for minors will not be accepted for publication or broadcast. The editorial board of the publication is responsible for enforcement of this policy.

XI. Time, Place and Manner Restrictions on Unofficial Student Publications

A publication by students not created under the supervision of school personnel and not a part of the curricular or extracurricular programs or activities of _____ School is considered an unofficial student publication. However, it may be disseminated on school grounds subject to the following conditions:

1. The publication is distributed before or after school or within the cafeteria/commons area during the lunch periods.
2. The publication does not identify itself as affiliated with or under the sponsorship of the school.
3. The publication is not pervasively vulgar, indecent, or obscene to an audience of minors.
4. The publication does not contain libelous expression, or expression that invades the privacy of another.

5. The publication does not include insulting or "fighting words," the very expression of which injures or harasses others (e.g., threats of violence, defamation of a person's character, race, religion, or ethnic origin).
6. The publication does not contain expression that presents a likelihood that, because of its content or the manner of distribution, it will cause a material and substantial disruption of the orderly operation of the school, cause the commission of unlawful acts, or the violation of school regulations.

Dissemination of unofficial student publications in violation of this rule shall result in disciplinary action taken against the student(s) responsible for disseminating the material.

Comment: Items 1 and 2 above are traditional "time, place, and manner" restrictions on non-school sponsored student speech. Items 3-6 are "content-based" restrictions. However, they were approved by the Eighth Circuit Court of Appeals in Bystrom v. Fridley over a challenge by students and, therefore, have been included as permissible criteria in this model.

APPENDIX A

RESOURCES -- ADVICE

APPENDIX A

RESOURCES -- ADVICE

Student Press Law Center
Mark Goodman, J.D.
202/466-5242

Iowa High School Press Association
Mary Arnold
319/335-5833

Iowa State University School of
Journalism and Mass Communication
Dr. Tom Emmerson
515/294-0485

Quill & Scroll Society
Richard Johns
319/335-5795

Iowa Freedom of Information Council
Herb Strentz
515/271-2295

Iowa Department of Education
Kathy Collins
515/281-5295

Iowa Civil Liberties Union
Randall Wilson
515/243-3576

Iowa Association of School Boards
M.J. Dolan
515/288-1991

Iowa High School Press Association
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Roosevelt High School
45th & Center Street
Des Moines, Iowa 50311

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Merle Dieleman
Pleasant Valley High School
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Pleasant Valley, Iowa 52763

APPENDIX B

CODES OF ETHICS OF MAJOR NATIONAL ORGANIZATIONS OF JOURNALISTS IN THE UNITED STATES

Codes of Ethics of Major National Organizations of Journalists in the United States

SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI

The Society of Professional Journalists, Sigma Delta Chi, believes the duty of journalists is to serve the truth.

We believe the agencies of mass communication are carriers of public discussion and information, acting on their Constitutional mandate and freedom to learn and report the facts.

We believe in public enlightenment as the forerunner of justice, and in our Constitutional role to seek the truth as part of the public's right to know the truth.

We believe those responsibilities carry obligations that require journalists to perform with intelligence, objectivity, accuracy and fairness.

To these ends, we declare acceptance of the standards of practice here set forth:

Responsibility. The public's right to know of events of public importance and interest is the overriding mission of the mass media. The purpose of distributing news and enlightened opinion is to serve the general welfare. Journalists who use their professional status as representatives of the public for selfish or other unworthy motives violate a high trust.

Freedom of the Press. Freedom of the press is to be guarded as an inalienable right of people in a free society. It carries with it the freedom and the responsibility to discuss, question and challenge actions and utterances of our government and of our public and private institutions. Journalists uphold the right to speak unpopular opinions and the privilege to agree with the majority.

Ethics. Journalists must be free of obligation to any interest other than the public's right to know the truth.

1. Gifts, favors, free travel, special treatment or privileges can compromise the integrity of journalists and their employers. Nothing of value should be accepted.

2. Secondary employment, political involvement, holding public office and service in community organizations should be avoided if it compromises the integrity of journalists and their employers. Journalists and their employers should conduct their personal lives in a manner which protects them from conflict of interest, real or apparent. Their responsibilities to the public are paramount. This is the nature of their profession.

3. So-called news communications from private sources should not be published or broadcast without substantiation of their claims to news value.

4. Journalists will seek news that serves the public interest, despite the obstacles. They will make constant efforts to assure that the public's business is conducted in public and that public records are open to public inspection.

5. Journalists acknowledge the newsman's ethic of protecting confidential sources of information.

6. Plagiarism is dishonest and is unacceptable.

Accuracy and Objectivity. Good faith with the public is the foundation of all worthy journalism.

1. Truth is our ultimate goal.

2. Objectivity in reporting the news is another goal which serves as the mark of an experienced professional. It is a standard of performance toward which we strive. We honor those who achieve it.

3. There is no excuse for inaccuracies or lack of thoroughness.

4. Newspaper headlines should be fully warranted by the contents of the articles they accompany. Photographs and telecasts should give an accurate picture of an event and not highlight a minor incident out of context.

5. Sound practice makes clear distinction between news reports and expressions of opinion. News reports should be free of opinion or bias and represent all sides of an issue.

6. Partisanship in editorial comment which knowingly departs from the truth violates the spirit of American journalism.

7. Journalists recognize their responsibility for offering informed analysis, comment and editorial opinion on public events and issues. They accept the obligation to present such material by individuals whose competence, experience and judgment qualify them for it.

8. Special articles or presentations devoted to advocacy or the writer's own conclusions and interpretations should be labeled as such.

Fair Play. Journalists at all times will show respect for the dignity, privacy, rights and well-being of people encountered in the course of gathering and presenting the news.

1. The news media should not communicate unofficial charges affecting reputation or moral character without giving the accused a chance to reply.

2. The news media must guard against invading a person's right to privacy.

3. The media should not pander to morbid curiosity about details of vice and crime.

4. It is the duty of news media to make prompt and complete correction of their errors.

5. Journalists should be accountable to the public for their reports and the public should be encouraged to voice its grievances against the media. Open dialogue with our readers, viewers and listeners should be fostered.

Pledge. Journalists should actively censure and try to prevent violations of these standards, and they should encourage their observance by all newspeople. Adherence to this code of ethics is intended to preserve the bond of mutual trust and respect between American journalists and the American people.

Adopted 1973. Revised 1984.

AMERICAN SOCIETY OF NEWSPAPER EDITORS: A STATEMENT OF PRINCIPLES

Preamble. The First Amendment, protecting freedom of expression from abridgment by any law, guarantees to the people through their press a constitutional right, and thereby places on newspaper people a particular responsibility.

Thus journalism demands of its practitioners not only industry and knowledge but also the pursuit of a standard of integrity proportionate to the journalist's singular obligation.

To this end the American Society of Newspaper Editors sets forth this Statement of Principles as a standard encouraging the highest ethical and professional performance.

Article I — *Responsibility.* The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time. Newspapermen and women who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust.

The American press was made free not just to inform or just to serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government.

Article II — *Freedom of the Press.* Freedom of the press belongs to the people. It must be defended against encroachment or assault from any quarter, public or private.

Journalists must be constantly alert to see that the public's business is conducted in public. They must be vigilant against all who would exploit the press for selfish purposes.

Article III — *Independence.* Journalists must avoid impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict. They should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity.

Article IV — *Truth and Accuracy.* Good faith with the reader is the foundation of good journalism. Every effort must be made to assure that the

news content is accurate, free from bias and in context, and that all sides are presented fairly. Editorials, analytical articles and commentary should be held to the same standards of accuracy with respect to facts as news reports.

Significant errors of fact, as well as errors of omission, should be corrected promptly and prominently.

Article V—*Impartiality.* To be impartial does not require the press to be unquestioning or to refrain from editorial expression. Sound practice, however, demands a clear distinction for the reader between news reports and opinion. Articles that contain opinion or personal interpretation should be clearly identified.

Article VI—*Fair Play.* Journalists should respect the rights of people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of their news reports.

Persons publicly accused should be given the earliest opportunity to respond.

Pledges of confidentiality to news sources must be honored at all costs, and therefore should not be given lightly. Unless there is clear and pressing need to maintain confidences, sources of information should be identified.

These principles are intended to preserve, protect and strengthen the bond of trust and respect between American journalists and the American people, a bond that is essential to sustain the grant of freedom entrusted to both by the nation's founders.

Adopted by the ASNE board of directors, October 1975.

RADIO-TELEVISION NEWS DIRECTORS ASSOCIATION

The members of the Radio-Television News Directors Association agree that their prime responsibility as journalists—and that of the broadcasting industry as the collective sponsor of news broadcasting—is to provide to the public they serve a news service as accurate, full and prompt as human integ-

rity and devotion can devise. To that end, they declare their acceptance of the standards of practice here set forth, and their solemn intent to honor them to the limits of their ability.

Article One. The primary purpose of broadcast journalists—to inform the public of events of importance and appropriate interest in a manner that is accurate and comprehensive—shall override all other purposes.

Article Two. Broadcast news presentations shall be designed not only to offer timely and accurate information, but also to present it in the light of relevant circumstances that give it meaning and perspective.

This standard means that news reports, when clarity demands it, will be laid against pertinent factual background; that factors such as race, creed, nationality or prior status will be reported only when they are relevant; that comment or subjective content will be properly identified; and that errors in fact will be promptly acknowledged and corrected.

Article Three. Broadcast journalists shall seek to select material for newscasts solely on their evaluation of its merits as news.

This standard means that news will be selected on the criteria of significiance, community and regional relevance, appropriate human interest and service to defined audiences. It excludes sensationalism or misleading emphasis in any form; subservience to external or "interested" efforts to influence news selection and presentation, whether from within the broadcasting industry or from without. It requires that such terms as "bulletin" and "flash" can be used only when the character of the news justifies them; that bombastic or misleading descriptions of newsroom facilities and personnel be rejected, along with undue use of sound and visual effects; and that promotional or publicity material be sharply scrutinized before use and identified by source or otherwise when broadcast.

Article Four. Broadcast journalists shall at all times display humane respect for the dignity, privacy and the well-being of persons with whom the news deals.

Article Five. Broadcast journalists shall govern their personal lives and such nonprofessional associations as may impinge on their professional activities in a manner that will protect them from conflict of interest, real or apparent.

Article Six. Broadcast journalists shall seek to actively present all news, the knowledge of which will serve the public interest, no matter what selfish, uninformed or corrupt efforts attempt to color it, withhold it or prevent its presentation. They shall make constant efforts to open doors closed to the reporting of public proceedings with tools appropriate to broadcasting (including cameras and recorders), consistent with the public interest. They acknowledge the journalist's ethic of protection of confidential information and sources and urge unswerving observation of it except in instances in which it would clearly and unmistakably defy the public interest.

Article Seven. Broadcast journalists recognize the responsibility borne by broadcasting for informed analysis, comment and editorial opinion on public events and issues. They accept the obligation of broadcasters for the presentation of such matters by individuals whose competence, experience and judgment qualify them for it.

Article Eight. In court, broadcast journalists shall conduct themselves with dignity, whether the court is in or out of session. They shall keep broadcast equipment as unobtrusive and silent as possible. Where court facilities are inadequate, pool broadcasts should be arranged.

Article Nine. In reporting matters that are or may be litigated, the journalist shall avoid practices which would tend to interfere with the right of an individual to a fair trial.

Article Ten. Broadcast journalists shall not misrepresent the source of any broadcast news material.

Article Eleven. Broadcast journalists shall actively censure and seek to prevent violations of these standards, and shall actively encourage their observance by all journalists, whether of the Radio-Television News Directors Association or not.

Adopted 1966; Revised 1973.

BEST COPY AVAILABLE

ASSOCIATED PRESS MANAGING EDITORS ASSOCIATION CODE OF ETHICS FOR NEWSPAPERS AND THEIR STAFFS

This code is a model against which newspaper men and women can measure their performance. It is meant to apply to news and editorial staff members and others who are involved in, or who influence, news coverage and editorial policy. It has been formulated in the belief that newspapers and the people who produce them should adhere to the highest standards of ethical and professional conduct.

Responsibility. A good newspaper is fair, accurate, honest, responsible, independent and decent. Truth is its guiding principle.

It avoids practices that would conflict with the ability to report and present news in a fair and unbiased manner.

The newspaper should serve as a constructive critic of all segments of society. It should vigorously expose wrongdoing or misuse of power, public or private. Editorially, it should advocate needed reform or innovations in the public interest.

News sources should be disclosed unless there is clear reason not to do so. When it is necessary to protect the confidentiality of a source, the reason should be explained.

The newspaper should background, with the facts, public statements that it knows to be inaccurate or misleading. It should uphold the right of free speech and freedom of the press and should respect the individual's right of privacy.

The public's right to know about matters of importance is paramount, and the newspaper should fight vigorously for public access to news of government through open meetings and open records.

Accuracy. The newspaper should guard against inaccuracies, carelessness, bias or distortion through either emphasis or omission.

It should admit all substantive errors and correct them promptly and prominently.

Integrity. The newspaper should strive for impartial treatment of issues and dispassionate handling of controversial subjects. It should provide a forum for the exchange of comment and criticism, especially when such comment is opposed to its editorial positions. Editorials and other expressions of opinion by reporters and editors should be clearly labeled.

The newspaper should report the news without regard for its own interests. It should not give favored news treatment to advertisers or special-interest groups. It should report matters regarding itself or its personnel with the same vigor and candor as it would other institutions or individuals.

Concern for community, business or personal interests should not cause a newspaper to distort or misrepresent the facts.

Conflicts of Interest. The newspaper and its staff should be free of obligations to news sources and special interests. Even the appearance of obligation or conflict of interest should be avoided.

Newspapers should accept nothing of value from news sources or others outside the profession. Gifts and free or reduced-rate travel, entertainment, products and lodging should not be accepted. Expenses in connection with news reporting should be paid by the newspaper. Special favors and special treatment for members of the press should be avoided.

Involvement in such things as politics, community affairs, demonstrations and social causes that could cause a conflict of interest, or the appearance of such conflict, should be avoided.

Outside employment by news sources is an obvious conflict of interest, and employment by potential news sources also should be avoided.

Financial investments by staff members or other outside business interests that could conflict with the newspaper's ability to report the news or that would create the impression of such conflict should be avoided.

Stories should not be written or edited primarily for the purpose of winning awards and prizes. Blatantly commercial journalism contests, or others that reflect unfavorably on the newspaper or the profession, should be avoided.

No code of ethics can prejudge every situation. Common sense and good judgment are required in applying ethical principles to newspaper realities. Individual newspapers are encouraged to augment these APME guidelines with locally produced codes that apply more specifically to their own situations.

A model code for members adopted by the APME Board of Directors, April 1975.

APPENDIX C

STANDARDS OF PRACTICE OF THE ASSOCIATION OF ADVERTISING AGENCIES

STANDARDS OF PRACTICE OF THE AMERICAN ASSOCIATION OF ADVERTISING AGENCIES

We hold that a responsibility of advertising agencies is to be a constructive force in business.

We further hold that, to discharge this responsibility, advertising agencies must recognize an obligation, not only to their clients, but to the public, the media they employ, and to teach other.

We finally hold that the responsibility will best be discharged if all agencies observe a common set of standards of practice.

To this end, the American Association of Advertising Agencies has adopted the following Standards of Practice as being in the best interests of the public, the advertisers, the media owners, and the agencies themselves.

These standards are voluntary. They are intended to serve as a guide to the kind of agency conduct which experience has shown to be wise, foresighted, and constructive.

It is recognized that advertising is a business and as such, must operate within the framework of competition. It is further recognized that keen and vigorous competition, honestly conducted, is necessary to the growth and health of American business generally, of which advertising is a part.

However, unfair competitive practices in the advertising agency business lead to financial waste, dilution of service, diversion of manpower, and loss of prestige. Unfair practices tend to weaken public confidence both in advertisements and in the institution of advertising.

Advertising Copy

The advertising agency should not recommend, and should discourage any advertiser from using, any advertising of an untruthful, indecent or otherwise objectionable character, as exemplified by the following copy practices disapproved in a code jointly adopted by the American Association of Advertising Agencies and the Association of National Advertisers, and also by the Advertising Federation of America:

a) False statements or misleading exaggerations.
b) Indirect misrepresentation of a product, or service, through distortion of details, or of their true perspective, either editorially or pictorially.
c) Statements or suggestions offensive to public decency.
d) Statements which tend to undermine an industry by attributing to its products, generally, faults and weaknesses true only of a few.
e) Price claims that are misleading.
f) Pseudoscientific advertising, including claims insufficiently supported by accepted authority, or that distort the true meaning or practicable application of a statement made by professional or scientific authority.
g) Testimonials which do not reflect the real choice of a competent witness.

Contracts

a) The advertising agency should where feasible enter into written contracts with media in placing advertising. When entered into, the agency should conform to its agreements with media. Failure to do so may result in loss of standing or litigation, either on the contract or for violations of the Clayton or Federal Trade Commssion Acts.
b) The advertising agency should not knowingly fail to fulfill all lawful contractual commitments with media.

Offering Credit Extension

It is unsound and uneconomic to offer extenion of credit or banking service as an inducement in solicitation.

Unfair Tactics

The advertising agency should compete on merit and not by depreciating a competitor or his work directly or inferentially, or by circulating harmful rumors about him, or by making unwarranted claims of scientific skill in judging or prejudging advertising copy, or by seeking to obtain an account by hiring a key employee away from the agency in charge in violation of the agency's employment agreements.

These Standards of Practice of the American Association of Advertising Agencies come from the belief that sound practice is good business. Confidence and respect are indispensable to success in a business embracing the many intangibles of agency service and involving relationships so dependent upon good faith. These standards are based on a broad experience of what has been found to be the best advertising practice.